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HOUSE BILL 3275

By Rhinehart

AN ACT to amend Chapter 244 of the Acts of 1905; as amended by Chapter 642 of the Private Acts of 1919; Chapter 245 of the Private Acts of 1982 and Chapter 139 of the Private Acts of 2000; and any other acts amendatory thereto, relative to the charter of the Town of Morrison.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 244 of the Acts of 1905, as amended by Chapter 642 of the Private Acts of 1919, Chapter 245 of the Private Acts of 1982, and Chapter 139 of the Private Acts of 2000, and any other acts amendatory thereto, being the charter of the Town of Morrison, is amended by deleting such chapter, as amended, in its entirety and by substituting instead the following language to be the charter of the Town of Morrison:

Section 1. Incorporation, Name, General Powers, and Corporate Limits.

The Town of Morrison, in the County of Warren, State of Tennessee, and the inhabitants thereof are hereby constituted and declared a body politic and corporate by the name and style of the Town of Morrison, and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity, may purchase, receive and hold real estate for

corporate purposes and may dispose of the same for the benefit of the town, and may have and use a common seal.

The boundaries of the town shall be those fixed by Chapter 244 of the Acts of 1905, as amended, and as extended and contracted by ordinances of the town passed under the general law of the state governing annexations and contractions, and any subsequent annexations or detachments of territory made pursuant to law.

Section 2. Definitions.

The following definitions apply in this charter unless the context otherwise requires:

(1) "Board" means the mayor and aldermen;

(2) "Department head" means the town administrator, town recorder, treasurer, police chief, fire chief, and other department heads that are appointed; and

(3) "Officer" means the mayor, aldermen, town attorney and town judge.

Section 3. Elections of Board, Requirements for Officers, Oaths of Office, Duties of Mayor and Vice Mayor, Duties of the Board, Compensation.

(a) The legislative and supervisory powers of the town shall be vested in and exercised by a Board of Mayor and Aldermen, elected under the provisions of this act, over whose meetings the mayor shall preside. The mayor or mayor pro tem and three (3) aldermen shall constitute a quorum for the transaction of all business, provided, that a less number than a quorum may adjourn from time to time.

(b) Election of Board.

(1) The Warren County Election Commission shall conduct an election in the Town of Morrison on the first Tuesday after the first Monday in November in every even-numbered year, with the first election being held on Tuesday, November 5, 2002, for the purpose of electing one (1) person to serve as Mayor and five (5) persons to serve as Aldermen. All persons living in the limits of the corporation who would be qualified to vote for members of the general assembly and persons owning real property in the bounds of the corporation which was assessed to them on the tax book of the county in January preceding the election, shall be allowed to vote.

(2) At the municipal election to be held November 5, 2002, a Mayor shall be elected for a four-year term of office. The two (2) aldermanic candidates receiving the largest number of votes at said election shall be elected for a four-year term of office. The remaining aldermanic seats shall be elected for a two-year term of office in order to create staggered terms. The mayor and aldermen shall thereafter be elected for four-year terms. The mayor and aldermen shall take office immediately upon the expiration of their predecessors' terms of office.

(3) The mayor and aldermen shall be elected at large by the registered voters of the Town of Morrison.

(c) Requirements for Officers.

(1) No person shall be eligible for the office of mayor unless such person has resided within the town for at least one (1) year next preceding the election.

(2) No person shall be eligible for the office of alderman unless such person has resided within the town for at least one (1) year next preceding the election.

(3) Residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section.

(4) Should the mayor or any alderman move from the town, the office which such person holds shall be presumed to be vacated, and it shall be declared vacant, and filled as provided in this charter.

(d) Oaths of Office. The mayor, after being elected, shall take an oath of office to support the constitution of the state and faithfully discharge the duties of the mayor's office, before any officer authorized to administer oaths. This officer or the mayor shall then induct the aldermen into office by administering to them a similar oath of office. Oaths of office shall be on file with the secretary or recorder of the municipality.

(e) Duties of Mayor. The mayor:

(1) Shall be the chief executive officer of the town, unless the board has appointed a town administrator, shall serve as the ceremonial head of the town, and preside at all meetings of the board;

(2) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;

(3) Shall make temporary appointments of any officer or department head, except that of aldermen, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the board at its next regular meeting. The board may confirm or reject the mayor's temporary appointments, or, at

its discretion, make its own temporary appointments. The board shall make appointments to fill vacancies in office;

(4) May call special meetings of the board upon adequate notice to the board and adequate public notice;

(5) Shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;

(6) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;

(7) As a member of the board, may make motions and shall have a vote on all matters coming before the board;

(8) Shall make appointments to boards and commissions as authorized by law; and

(9) Unless otherwise designated by the board by ordinance, shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(A) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board. Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;

(B) Act as purchasing agent for the municipality in the purchase of all material for the board;

(C) Prepare and submit the annual budget and capital programs to the board; and

(D) Perform such other duties as may be designated or required by the board.

(f) Vice Mayor--Vacancies in Office.

(1) The board shall elect an alderman to the office of vice mayor who shall serve as mayor when the mayor is absent or unable to discharge the duties of the mayor's office, and, in case of a vacancy in the office of mayor, until the next regular municipal election.

(2)

(A) By affirmative vote of a majority of the remaining members, the board shall fill a vacancy in the office of alderman for the unexpired term, but any portion of an unexpired four-year term for alderman or mayor that remains beyond the next municipal election shall be filled by the voters at that election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election.

(B) All such elections by the board shall be made by voice vote, on the calling of the roll. If a tie vote occurs in filling a vacancy on the board, the presiding officer shall vote a second time to break the tie.

(g) Duties of the Board. In the absence of the mayor and vice mayor, the board may elect an alderman to act as presiding officer.

(h) Compensations.

(1) The compensation of all officers shall be established in the ordinance adopting the annual budget and capital program.

(2) The compensation of the mayor or aldermen may not be altered during their term of office.

Section 4. Powers.

(a) Ordinances.

(1) Legislative Action Which Must Be Exercised by Ordinance.

Except as otherwise provided by general law or this charter, legislative action of the board shall be by ordinance when granting, renewing or extending public franchises, creating, abolishing or combining departments or offices, authorizing the borrowing of money, regulating the rate charged for its services by a public utility, fixing fees, service charges and utility rates, exercising the police power, levying taxes, adopting the budget, providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed, or amending or repealing an existing ordinance.

(2) Ordinance Procedure. All ordinances shall begin with the clause, "Be it ordained by the Board of Mayor and Aldermen of the Town of Morrison, Tennessee." An ordinance may be introduced by any member of the board. The body of the ordinance may be omitted from the minutes on first reading, but reference therein shall be made to the ordinance by title and/or subject matter. Every ordinance shall be passed on two (2) different days, at regular, special or adjourned meetings. Except in the ordinance adopting the budget, no material or substantial amendment may be made on final passage, unless such amendment be passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the presiding officer of the board, and by him/her numbered and preserved and maintained by the recorder or secretary.

(3) Other Legislative Action. Legislative action other than by ordinance shall be by written resolution, which shall be read once at a

regular or special meeting of the board. In unusual circumstances where preparation of a resolution is impractical, the board may take legislative action by a simple motion that is properly recorded in the minutes of the meeting.

(4) Annual Operating Budget. The board shall prepare, or have prepared, an annual operating budget for the general fund and such other funds that the town may establish. The budget shall include revenues for each fund listed separately by local taxes, the state, federal government and other sources, and expenditures for each fund shall be listed separately by salaries, if any, and other costs. Beginning and ending fund balances shall be shown for each fund.

(b) Powers of the Board of Mayor and Aldermen. The board is hereby empowered to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or non-negotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, as permitted by general law, upon the credit of the municipality or solely

upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust, and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereof, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in Tennessee Code Annotated, Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises.

Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe, in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may, by their terms, apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares and to any other streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities and public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may, by their terms, apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities; compel reasonable extensions of facilities for these services; and assess fees for the use of, or impact upon, these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of, or impact upon, such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, §§7-31-107 -- 7-31-111 and §29-16-114, or in any other manner provided by general laws;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on, or adjacent to, these streets, highways or alleys under, and as provided by Tennessee Code Annotated, Title 7, Chapters 32 and 33; and install and maintain traffic control signals within its corporate limits;

however, no device shall be installed to control traffic on a state highway without the approval of the commissioner of transportation;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate, maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal. The cost of collection, regulation or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be

detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person who violates laws within the corporate limits, or contract with the county to keep these persons in the workhouse of the county;

(28)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(B) Provide by ordinance for court costs;

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for, or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or euthanize them;

(31) Call elections as herein provided; and

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

(c) Meeting Procedures. Meetings of the board shall be in accordance with the latest version of Robert's Rules of Order.

Section 5. Officers and Departments.

(a) Town Administrator.

(1) Appointment of Town Administrator.

(A) The board may appoint a town administrator who shall be under the control and direction of the board. The town administrator shall be the chief executive and administrative officer and shall report and be responsible to the board.

(B) Duties of Town Administrator. The board may, by ordinance, require the town administrator to perform any or all the following duties:

- (i) Administer the business of the municipality;
- (ii) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;
- (iii) Keep the board fully advised as to the conditions and needs of the municipality;
- (iv) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;
- (v) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;
- (vi) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval of the board;
- (vii) Authorize the town administrator to recommend the appointment and/or discipline or dismissal of all town personnel. The town administrator or town manager is not authorized to employ or dismiss a town judge or the town attorney; and

(viii) Perform such other duties as may from time to time be designated.

(b) Town Recorder.

(1) Town Recorder -- Appointment. The board may employ a town recorder, who also may be appointed to the positions of finance director or treasurer, or both.

(2) Recorder's Functions at Board Meeting. The recorder or his/her designee shall be present at all meetings of the board, and keep a full and accurate record of all business transacted by the board to be preserved in permanent form.

(3) Custody of Official Records.

(A) The recorder or the recorder's designee shall have custody of, and preserve in the recorder's office, the town seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds (except the recorder's bond, which shall be in the custody of the mayor), and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

(B) All such records shall be the property of the municipality.

(4) Copies of Records and Ordinances.

(A) The recorder shall provide, copy, and when required by any officer or person, certify copies or records, papers and documents in the recorder's office.

(B) Fees for copying and certification shall be charged as established by ordinance.

(c) Town Judge--Town Court.

(1) Town Judge - Jurisdiction - Appointment - Qualifications and Compensation.

(A) The board is authorized to establish a town court presided over by a town judge appointed by the board.

(B) The town judge shall have jurisdiction in and over all cases for the violation of, and all cases arising under, the laws and ordinances of the municipality.

(C) The town judge shall have the qualifications, term of office, if any, and receive the compensation the board may provide by ordinance.

(D) The board may appoint the general sessions court judge of Warren County to act as town judge.

(E) Whenever the office of town judge is not filled by the appointment of some other person, the town recorder shall be the town judge.

(F) In the absence or disability of the town judge, the mayor may designate a qualified person to serve as town judge or may designate the general sessions court judge of the county or counties in which the municipality lies to be acting town judge until

one can be appointed at the next regularly scheduled meeting of the board, or as otherwise provided by ordinance.

(2) Power to Enforce Ordinances.

(A) The town judge may impose fines, costs and forfeitures, and punish by fine for violation of city ordinances.

(B) The judge may preserve and enforce order in the court and enforce the collection of all fines, costs and forfeitures imposed, in accordance with general law.

(d) Treasurer--Deposits of Municipal Funds

(1) Appointment and Duties of Treasurer.

(A) The board shall appoint a treasurer.

(B) The treasurer shall collect, receive and receipt for the taxes and all other revenue (and bonds) of the municipality, and the proceeds of its bond issues, and disburse them.

(C) The board may appoint the recorder as treasurer.

(2) Depositories of Municipal Funds. Depositories of the municipal funds shall be designated by ordinance. The board shall require any financial institution that becomes a depository of municipal funds to secure such funds by collateral in the same manner and under the same conditions as state depositories under Tennessee Code Annotate, Title 9, Chapter 4, Parts 1 and 4, or as provided in a collateral pool created under Title 9, Chapter 4, Part 5.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Morrison. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.